

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

INA STEINER, DAVID STEINER, and  
STEINER ASSOCIATES, LLC,

Plaintiffs,

v.

EBAY INC., et al.

Defendants.

Case No. 1:21-cv-11181-PBS

**ORAL ARGUMENT REQUESTED**

**MOTION TO DISMISS BY DEFENDANT STEPHANIE STOCKWELL**

Defendant Stephanie Stockwell, Pro Se, moves this Court to dismiss the twelve claims brought against her by Ina and David Steiner, and Steiner Associates, LLC (collectively, “Plaintiffs”) in the Amended Complaint. These claims— Count One (Intentional Infliction of Emotional Distress); Count Two (Stalking); Count Three (Negligent Infliction of Emotional Distress); Count Four (Negligence); Count Eight (Assault); Count Nine (Massachusetts Civil Rights Act Violation); Count Ten (Defamation); Count Eleven (Trespass); Count Twelve (False Imprisonment);—all fail as a matter of law as pled against Stockwell and must be dismissed pursuant to Rule 12(b)(6).

As a general matter, the Amended Complaint indiscriminately brings all twelve claims against “all Defendants,” despite a dearth of allegations concerning Stockwell’s role in most of the claims alleged. The Complaint’s shotgun approach to pleading fails to put Stockwell on notice as to how she—as opposed to her co-defendants—is purportedly liable under each cause of action, and therefore fails to satisfy the basic requirement of notice pleading under Rule 8(a). With respect to the specific acts alleged to have been committed by Stockwell, the Amended Complaint fails to establish the elements of nearly all the claims

Plaintiffs have asserted against her. In support of this Motion, Stockwell relies on her Memorandum of Law filed concurrently herewith.

WHEREFORE, because Plaintiffs have failed to state a claim as a matter of law against Stockwell on their twelve causes of action, Defendant Stockwell requests that the Court dismiss those claims against her with prejudice pursuant to Rule 12(b)(6).

Dated: April 23, 2023

Respectfully submitted,

/s/ Stephanie Stockwell

Stephanie Stockwell, Pro Se

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 23, 2023, a true and correct copy of the foregoing pleading was ECF filed with the Clerk of Court and served upon all attorneys of record as of this date, via the Court's ECF system.

/s/ Gail Shifman

Gail Shifman